

11/25/09 11:37:46  
OK W BK 622 PG 252  
DE SOTO COUNTY, MS  
W.E. DAVIS, CH CLERK

7/01/10 4:37:23  
OK W BK 637 PG 97  
DE SOTO COUNTY, MS  
W.E. DAVIS, CH CLERK

<b>Prepared by and Return to:</b>	<b>Grantors Address:</b>	<b>Grantees Address:</b>
Austin Law Firm, P.A. 6928 Cobblestone Drive, Suite 100 Southaven, MS 38672 662-890-7575	6810 Crumpler Blvd., Ste 200 Olive Branch, MS 38654 Work: 662-893-3599 Home: N/A	425 Plaza Street Helena West Helena, AR 72390 Work: 870-816-1111 Home: N/A
File No.: 090235		

### DEED IN LIEU OF FORECLOSURE

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**WHEREAS**, Southern Bancorp Bank, formerly known as, First Bank of the Delta, National Association ("Grantee") is the owner and holder of a certain promissory note dated September 22, 2006, from FiveStar Homes, Inc. ("Grantor") to Southern Bancorp Bank, formerly known as, First Bank of the Delta, National Association in the original principal amount of four hundred and seventy two thousand five hundred dollars (\$472,500.00), which is secured by the deed of trust of record in the office of the Chancery Clerk of DeSoto County, Mississippi in Deed Book 2587 at Page 445 (the "Deed of Trust");

**WHEREAS**, Grantor has agreed to make, and Grantee has agreed to accept this conveyance in lieu of foreclosure proceedings being instituted against the Grantor herein;

**WHEREAS**, Grantor and Grantee have agreed that this conveyance is not intended to result in a merger of the legal and equitable titles to the property conveyed herein, and that the lien of said Deed of Trust is not and shall not be deemed to be released hereby;

**NOW THEREFORE**, for and in consideration of the sum of Ten and NO/100 Dollars (\$10.00) cash in hand paid by the hereinafter named Grantee and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor has bargained and sold, and by these presents does hereby transfer and convey unto Grantee, its successors and assigns, a certain tract of land in DeSoto County, Mississippi described as follows:

**Lots 217, 218, 219, 243, 244 and 245, Golf Villas of Crumpler Place PUD, situated in Section 32, Township 1 South, Range 6 West, DeSoto County, Mississippi, as per plat thereof recorded in Plat Book 65, Pages 38-40, in the office of the Chancery Clerk of DeSoto County, Mississippi.**

This conveyance is made subject to rights of ways and easements for public roads and public

\*\*\* successor in interest to Southern Bancorp Bank, N.A.

utilities, to building, zoning, subdivision and health department regulations in effect in DeSoto County, Mississippi. Subject to subdivision restrictive covenants, easements and setback lines as recorded in Plat Book 65, Pages 38-40, in the office of the Chancery Clerk of DeSoto County, Mississippi and the lien of the said Deed of Trust.

**TO HAVE AND TO HOLD** said tract of land, with the appurtenances, estate, title and interest thereto belonging to said Grantee, its successors and assigns, forever; and Grantor does covenant with said Grantee that Grantor is lawfully seized and possessed of said land in fee simple, has a good right to convey it, and the same is unencumbered, except as otherwise herein set out; and Grantor does further covenant and bind itself, its successors and representatives, to warrant and forever defend the title to said land to said Grantee, its successors and assigns, against the lawful claims of all persons whomsoever.

Grantor does not intend for this deed to be a merger of grantee's rights under that certain Deed of Trust described above and the Grantee accepts this deed on the condition that it shall not be deemed a merger of its rights under that certain Deed of Trust. By execution of this instrument the parties agree and acknowledge that the Grantee in no way is releasing, relinquishing, or waiving any rights or remedies it may have under said Promissory Note and Deed of Trust, including but not limited to, the right to pursue a deficiency against the Grantor.

**WITNESS** our signature(s), this the 19<sup>th</sup> day of November, 2009.

**GRANTOR:**  
**FIVE STAR HOMES, INC.**

By: \_\_\_\_\_

Wesley Thompson, President

By: \_\_\_\_\_

Donna Thompson, Secretary

**GRANTEE:** \*\*\*  
**Southern Bancorp Bank, formerly known as, First Bank of the Delta, National Association**

By: \_\_\_\_\_

John Cunningham, Sr. Vice-President

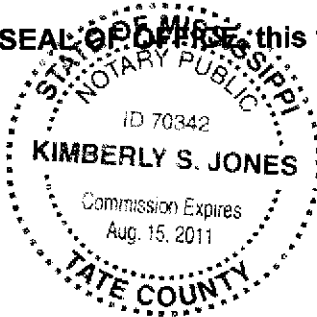
\*\*\*successor in interest to Southern Bancorp Bank, N.A.

STATE OF MISSISSIPPI:  
COUNTY OF DESOTO:

PERSONALLY APPEARED before me, the undersigned authority at law, in and for the State and County aforesaid, the within named Wesley Thompson, who acknowledged that he is the President of Five Star Homes, Inc., and that for and on behalf of said corporation and as its free act and deed he executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 19<sup>th</sup> day of November, 2009.

My commission expires:



Kimberly S. Jones  
Notary Public

STATE OF MISSISSIPPI:  
COUNTY OF DESOTO:

PERSONALLY APPEARED before me, the undersigned authority at law, in and for the State and County aforesaid, the within named Donna Thompson, who acknowledged that he is the Secretary of Five Star Homes, Inc., and that for and on behalf of said corporation and as its free act and deed he executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 20<sup>th</sup> day of November, 2009.

**MY COMMISSION EXPIRES APRIL 30, 2013**

My commission expires:

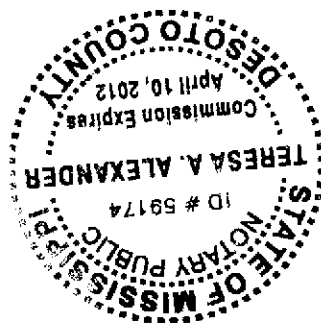
[Signature]  
Notary Public

STATE OF MISSISSIPPI:  
COUNTY OF DESOTO:

PERSONALLY APPEARED before me, the undersigned authority at law, in and for the State and County aforesaid, the within named John Cunningham, who acknowledged that he is the Sr. Vice-President of Southern Bancorp Bank, \*\*\* formerly known as, First Bank of the Delta, National Association, a Mississippi Banking Institution, and that for and on behalf of said corporation and as its free act and deed he executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 23<sup>rd</sup> day of November, 2009.

My commission expires:



[Signature]  
Notary Public

\*\*\* successor in interest to Southern Bancorp Bank, N.A.